

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SL EC, LLC, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:18-CV-01377-JAR
)	
ASHLEY ENERGY, LLC, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Defendants’ Motion to Compel and for an Order to Show Cause. (Doc. 173). In response, Third-Party John Steffen (“Steffen”) opposes the motion and requests entry of a protective order. (Doc. 178). Defendants have replied to Steffen’s response. (Doc. 181). Plaintiffs have also sought leave to file a memorandum regarding the motion. (Doc. 182).

I. FACTUAL AND PROCEDURAL BACKGROUND

This case concerns a power plant acquisition gone awry. This Court has already described the relatively complex transaction, and such details need not be recounted. (Doc. 149 at 1-4). Steffen acted as Plaintiffs’ agent and helped negotiate the transaction. Understandably, Defendants seek discovery of relevant communications, documents, and other information shared with or provided by Steffen. On December 24, 2020, Defendants served a subpoena on Steffen demanding that he produce a significant quantity of documents by January 13, 2021. Steffen requested that this Court quash the subpoena in accordance with Fed. R. Civ. P. 45. (Doc. 157). Steffen essentially argued that (1) Plaintiffs have access to and can produce these documents and (2) he lacks both the financial and health capacity to respond. On January 21, 2021, this Court denied Steffen’s

motion to quash but extended the time for him to comply with the subpoena until February 22, 2021. (Doc. 158 at 4-5).

On March 1, 2021, Defendants filed the instant motion requesting that this Court issue an order to show cause because Steffen has failed to comply with the Court-ordered deadline. (Doc. 173). In response, Steffen again argues that “the documents sought in the Subpoena are the very same documents that Defendants seek in discovery propounded to Plaintiffs.” (Doc. 178 at 2). Steffen requests an extension of the deadline to comply until April 9, 2021, and for certain other relief, including payment of his legal fees. (*Id.* at 5). In reply, Defendants “agree with Mr. Steffen that they have sought the same documents from Plaintiffs,” but note that such documents have not been produced. (Doc. 181 at 2). This Court has extensively addressed Plaintiffs’ failure to produce the relevant documents. (Doc. 158).

II. DISCUSSION

The facts relevant to the motions before this Court are straightforward. Steffen was Plaintiffs’ negotiating agent in the transaction underlying this litigation. Defendants reasonably seek discovery of relevant documents from Steffen. This request is particularly understandable since a series of unfortunate events has precluded Plaintiffs from producing the documents. This Court’s perspective remains unchanged since it addressed Steffen’s motion to quash: “While the Court certainly sympathizes with Steffen’s situation, it also recognizes that Defendants have every right to access relevant documents from a key agent of Plaintiffs in the negotiation of the power plant transaction.” (Doc. 158 at 4).

This Court has wide discretion when addressing pre-trial discovery issues. *Chavis Van & Storage of Myrtle Beach, Inc. v. United Van Lines, LLC*, 784 F.3d 1183, 1198 (8th Cir. 2015). Despite Steffen’s failure to timely request an extension of time, this Court will provide one final

extension to comply with Defendants' subpoena. All other relief requested by Steffen will be denied. Further, this Court finds that Plaintiffs' filing of a memorandum regarding Defendants' motion will not assist in resolving these issues.

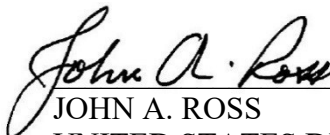
Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Compel and for an Order to Show Cause (Doc. 173) is **DENIED without prejudice**.

IT IS FURTHER ORDERED that Third-Party John Steffen's Request for Entry of a Protective Order (Doc. 178) is **GRANTED in part and DENIED in part**. The deadline for Steffen to respond to Defendants' subpoena is hereby extended to **April 9, 2021**. The motion is **DENIED** in all other respects.

IT IS FINALLY ORDERED that Plaintiffs' Motion for Leave to File Memorandum Regarding Defendants' Motion to Show Cause Directed to John Steffen (Doc. 182) is **DENIED**.

Dated this 5th day of March, 2021.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE